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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JASON KINSFATHER,

9 Plaintiff,

10 v.

11 PIERCE COUNTY et al.,

12 Defendants.

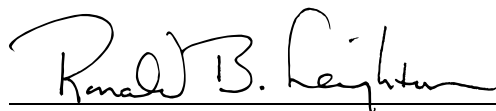
No. 09-5129RBL/JRC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

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14 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.  
15 Richard Creatura, objections to the Report and Recommendation, if any, and the remaining  
16 record, does hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation;
- 18 (2) Defendant Morales has not been served and it had been over 250 days since the  
19 commencement of this action. The action is **DISMISSED WITHOUT**  
20 **PREJUDICE** as to this defendant.
- 21 (3) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J.  
22 Richard Creatura and close this file.

23 DATED this 11<sup>th</sup> day of December, 2009.

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26 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE